



November 26, 2018

NOTICE OF VIOLATION

Mr. Matthew Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 19608

CERTIFIED MAIL NO. 9171 9690 0935 0150 2186 59

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0150 2186 66

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E07-459
DEP File No NOV 07 18 113
Blair Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On November 23, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an approximate 1,000-gallon inadvertent return of drilling fluids (“IR”) that impacted Wetland BB58 earlier in the day at the Reservoir Road Flex Bore (aka. “horizontal directional drill” or “HDD”), PA-BL-0001.0078-WX in Blair Township, Blair County (“Site”). On November 25, 2018, the Department received an initial report form from SPLP documenting that the IR discharged into Wetland BB58, which is a water of the Commonwealth. The drilling fluids that comprised the IR constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E07-459 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of April 2018.

While notice of the IR was provided in a voicemail message left for Andrea Blosser at 5:31 PM on November 23, 2018, no notification was made to the appropriate Department regional emergency response number. Failing to immediately notify the pertinent Department regional emergency response number is in violation of Section 6.5 of the HDD IR PPC Plan and of Permit E07-459 Special Condition kk.

Mr. Matthew Gordon
Mr. Benjamin Ploederl

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On November 25, 2018, Sunoco submitted the initial report form for the November 23, 2018 IR to the Department, as required by Section 6.3 of the HDD IR PPC Plan. The report form indicates that water supply owners were notified of a previous IR at the Site on November 1, 2018; however, at the time of the report submission, no notification had been provided to them of the November 23, 2018 IR. Failing to notify every landowner with a private water supply located within 450 feet of the HDD alignment within 24 hours of an HDD occurrence is in violation of Section 6.5 of the HDD IR PPC Plan.

Failing to comply with the HDD IR PPC Plan and Permit E07-459 Special Condition kk. and allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by November 30, 2018:

1. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.
2. Proof that every landowner with a private water supply located within 450 feet of the HDD alignment was notified of the November 23, 2018 IR occurrence.

On November 25, 2018, Sunoco also submitted a Restart Report to the Department for the November 23, 2018 IR to meet the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, which was prepared and sealed by a Pennsylvania licensed Professional Geologist. The Department subsequently approved the Restart Report for the 20-inch line for PA-BL-0001.0078-WX on November 25, 2018.

Please be reminded, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-BL-0001.0078-WX-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

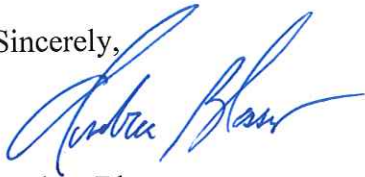
Mr. Matthew Gordon
Mr. Benjamin Ploederl

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The Department looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4763.

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Diane Thomas—Blair County Conservation District
Captain Anthony Quarracino—PA Fish and Boat Commission, Southcentral Region
Debby Nizer—US Army Corps of Engineers, Baltimore District
Monica Styles—Sunoco Pipeline, LP
Chris Embry—Sunoco Pipeline, LP
Larry Gremminger—Sunoco Pipeline, LP
Blair Township, Blair County